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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,411	04/19/2004	Daniel F. Alexander	60,298-522; 269	2602
26096	7590	02/21/2006	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			TRIEU, THERESA	
			ART UNIT	PAPER NUMBER
			3748	

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/827,411	Applicant(s) ALEXANDER ET AL.	
	Examiner Theresa Trieu	Art Unit 3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7, 10-12, 15 and 19 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 8, 9, 13, 14 and 16-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on April 19, 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/19/2004</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “pressure hole on the body side (110)” recited in claim 6 and 14, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claims 6 and 14 are objected to, in that their subject matter (i.e. a pressure hole on the body side (110))” needs to be incorporated into the specification and the drawings

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, 7, 10-12, 15 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi et al. (Kobayashi) (Publication Number JP 05-272472).

Regarding claims 1-3, 5, 7, 10, 11, 12 and 15, as shown in Fig. 1-4, Kobayashi discloses a scroll compressor comprising: a sealed housing; a first and second scroll members (1, 4) having a first/second base and a first/second generally spiral wraps (1b, 4b) extending from the first/second base (1a, 4a), a discharge pressure chamber on a first side of the first base and a suction pressure chamber (10) on a second side of the first base (1a); the wraps of the first and second scroll members (1b, 4b) interfitting to define compression chambers (9); a motor (14, 15) for driving the second scroll member to orbit relative to the first scroll member; a valve (25) for controlling the communication of gas between the compression chambers (9) and the discharge pressure chamber, the valve (25) disposed in a valve chamber of the first scroll member; and a valve retainer (26) for the valve, wherein a snap fit connector (27) mounts the valve retainer (26) to the first scroll member (1), the snap fit connector flexible between a disengaged position wherein the valve retainer is disengaged from the first scroll member and an engaged position

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wherein the valve retainer is engaged to the first scroll member; the snap fit connector (27) comprising an opening (1c) and a protrusion (not numbered; however, clearly seen in Fig. 1, 3 and 5) the protrusion disposed in the opening when in the engaged position and the protrusion out of the opening when in the disengaged position; the opening comprises a groove (1c) and the protrusion comprises a ridge sized to be received by the groove; the valve retainer (26) has a body spaced from a valve chamber bottom of the valve chamber, the valve spaced between the body and the valve chamber bottom; the body having at least one leg, the leg extending between the body and the valve chamber bottom; the valve retainer (26) has a discharge opening for communicating gas from the valve chamber to the discharge pressure chamber.

Regarding claim 19, as shown in Fig. 1-4, Kobayashi discloses a method of retaining a valve for a compressor: disposing a valve (25) in a valve chamber of a non-orbiting scroll (1); positioning a valve retainer (26) relative to the valve chamber; and flexing a portion of the valve retainer (26) between a disengaged position and an engaged position, the engaged position in which the valve retainer (26) is engaged to the non-orbiting scroll and the disengaged position in which the valve retainer is disengaged from the non-orbiting scroll.

***Allowable Subject Matter***

4. Claims 4, 6, 8, 9, 13, 14, 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Prior Art***

The IDS (PTO-1449) filed on April 19, 2004 has been considered. An initialized copy is attached hereto.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of three patents: Billington (U.S. Patent Number 2,909,188), Akiyama et al. (U.S. Patent Number 5,346,375) and Gennami et al. (U.S. Patent Number 6,544,016), each further discloses a state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 571-272-4868. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT  
February 17, 2006



Theresa Trieu  
Primary Examiner  
Art Unit 3748